

REMARKS

Claims 1-14 are all the claims pending in the present application.

Applicant thanks the Examiner for withdrawing the previous rejections, reopening prosecution, and issuing a new Office Action.

In the new Office Action, the Examiner has modified some of the previous rejections by adding new references to allegedly support the Examiner's rejection of the pending claims.

Specifically, claims 1, 5-7, 9, 12, and 14 are now rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Oosthoek et al. (U.S. Patent Application Publication No. 2002/0156599) in view of Karagiannis (U.S. Patent Application Publication No. 2002/0087699). Claims 2, 3, 10, and 11 are now rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Oosthoek in view of Karagiannis, and further in view of Trans et al. (U.S. Patent Application Publication No. 2003/0016770). Claim 4 remains rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Oosthoek in view of Bolding et al. (U.S. Patent No. 7,272,651). Finally, claims 8 and 13 are now rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Oosthoek in view of Karagiannis, and further in view of Mohaban et al. (U.S. Patent No. 6,788,647).

I. Claims 1, 5-7, 9, 12, and 14 are patentable over Oosthoek in view of Karagiannis

The Examiner rejected claims 1, 5-7, 9, 12, and 14 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the combination of Oosthoek and Karagiannis.

Applicant traverses this rejection as explained by the following remarks.

Claim 1 is not rendered unpatentable by the applied references

First, Applicant maintains that the primary reference Oosthoek fails to teach or suggest every element and recitation of the claimed invention.

In particular, Applicant maintains that Oosthoek does not teach or suggest, at least: “means for receiving a plurality of quality of service requests that each correspond to **one of a plurality of microflows**; ... and means for correlating the quality of service requests so as to define at least **one set of a plurality of correlated microflows**; wherein the **control means effects said control of said elements of said data network only once for the quality of service requests of each said set**; and each said set comprises a plurality of microflows **whose corresponding quality of service requests are correlated**”, as recited in claim 1.

Oosthoek discloses a system which combines features of RSVP (which controls nodes per microflow) and Diffserv (which controls nodes per aggregate) to manage QoS reservations within a network. In the Diffserv control per aggregate system, each microflow is assigned a pre-defined Class of Service and the nodes of the data network handle the microflows based on the class of service assigned to the microflows rather than based on the individual microflows.

Oosthoek uses RSVP management at the ingress and egress nodes, and Diffserv management at the intermediate nodes. Thus, within the network, the interior nodes do not manage/track individual flows and simply operate as if under a Diffserv management scheme. (Oosthoek, para. [0020]).

Previously, the Examiner alleged that in Oosthoek, “although the microflows are tracked individually (at the ingress nodes), the interior nodes only see the reservation requests which specifies the aggregated state. Therefore, the interior nodes are controlled only once for the set of microflows covered by the aggregated reservation request.” (Advisory Action, P. 2).

In response, Applicant previously argued that regardless of whether the interior nodes **know** about each particular microflows being handled, **Oosthoek clearly teaches that the interior nodes are controlled for each new microflow’s reservation request and for the**

termination of each microflow. In particular, Oosthoek states that “while the method maintains an aggregated *reservation state*, it still **allows per microflow changes to the reservation** without keeping [an] explicit state per microflow [in the interior of the network]. Since **parts** of the aggregated reservation state *can be established, maintained and released*, it is not necessary to store any *identity* of the resource request.” (Oosthoek, para. [0009]). In a more explicit description, Oosthoek states, “The ingress node gets a reservation request (e.g. using a **per microflow reservation protocol** like RSVP) and translates the reservation request into a resource request for the interior network. The reservation request [for the particular microflow] specifies the aggregated state to which it pertains [**and**] **specifies the number of resource units to be reserved in the interior network for the particular microflow associated with the request.** The reservation is carried out by sending a resource request through the interior network 20 to the egress node 18. In the intermediate interior nodes, the request is processed and, provided the resources are available, **a change in the specified aggregated reservation state is made**” and when a “particular microflow . . . terminate[s] . . . the aggregated state will be reduced by the amount of units u reserved **for the particular microflow.**” (Oosthoek, para. [0020]-[0023]).

As such, Applicant previously argued that, regardless of whether the interior nodes **know** about the particular microflow, it is clear from the above that Oosthoek teaches **controlling** the nodes for **each microflow**. As such, Applicant previously argued that Oosthoek fails to teach or suggest “the control means effects said control of said elements of said data network **only once** for the quality of service requests of each said **set**” of microflows.

In the current Office Action, the Examiner now appears to acknowledge that Oosthoek does not satisfy the above-discussed features of claim 1, and applies secondary reference

Karagiannis to allegedly satisfy the feature of effecting control of one or more elements for a set of microflows. The Examiner cites Figs. 4 and 13, and numbered paragraphs 125-133 of Karagiannis as allegedly satisfying the above-discussed feature of claim 1.

In response, Applicant submits that the aggregation of resource requests without the need for resizing does not correspond to the feature of effecting said control of said elements of said data network only once for the quality of service **requests of each said set**. First, Applicant submits that any aggregation of resource requests is simply controlling the requests and how they are utilized in a particular network and does not involve the controlling of the elements of the data network. Furthermore, the above-quoted claim feature relates to **a set of a plurality of correlated microflows**. Any aggregation of resource requests in Karagiannis does not necessarily correspond to **quality of service requests of a set of a plurality of correlated microflows**, and, thus, Karagiannis suffers similar deficiencies to those stated above with respect to **Oosthoek**.

At least based on the foregoing, Applicant submits that the applied references, alone or in combination, do not disclose or suggest at least the features of claim 1.

With respect independent claims 9 and 14, Applicant submits that these claims are also patentable over the applied references for at least the same or similar reasons as those above regarding claim 1.

Applicant therefore respectfully requests the Examiners to withdraw this rejection of claims 1, 9, 12/9, and 14.

II. Claims 2, 3, 10, and 11 are patentable over Oosthoek and Karagiannis, in further view of Trans

Claims 2, 3, 10, and 11, which depend from claims 1 and 9 respectively, are each rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Oosthoek and Karagiannis, and further in view of Trans.

Applicant submits that Trans fails to cure the deficiencies of Oosthoek discussed above for claims 1 and 9, and accordingly, claims 2, 3, 10, and 11, which depend from claims 1 and 9 respectively, are patentable over the asserted combination of Oosthoek, Karagiannis, and Trans at least by virtue of their dependency from independent claims 1 and 9.

III. Claim 4 is patentable over Oosthoek in view of Bolding

Claims 4, which depends from claim 1, is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Oosthoek and Bolding .

Applicant submits that Bolding fails to cure the deficiencies of Oosthoek discussed above for claim 1, and accordingly, claim 4, which depends from claim 1, is patentable over the asserted combination of Oosthoek and Bolding at least by virtue of its dependency from independent claim 1.

IV. Claims 8 and 13 are patentable over Oosthoek and Karagiannis, and further in view of Mohaban

Claims 8 and 13, which depend from claims 1 and 9 respectively, are each rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Oosthoek and Karagiannis, and further in view of Mohaban.

Applicant maintains that Mohaban fails to cure the deficiencies of Oosthoek discussed above for claims 1 and 9, and accordingly, claims 8 and 13, which depend from claims 1 and 9 respectively, are patentable over the asserted combination of Oosthoek, Karagiannis, and Mohaban at least by virtue of their dependency from independent claims 1 and 9.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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